

Wetlands Bureau Decision Report

Decisions Taken
03/21/2005 to 03/27/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2003-02121 OAKLAND RD LLC, C/O DAVID & DENISE OLIVER
EXETER Unnamed Wetland

Requested Action:

Request amendment to fill an additional 1,600 sq. ft. in Wetland Impact area #2 to install reinforced rock fill for work necessary to stabilize the north side of the existing retaining wall to enhance the structural integrity of the wall and address public safety concerns raised by the Town of Exeter.

Inspection Date: 12/19/2003 by Christina Altimari

APPROVE AMENDMENT:

Approve amendment to fill an additional 1,600 sq. ft. in Wetland Impact area #2 to install reinforced rock fill for work necessary to stabilize the north side of the existing retaining wall to enhance the structural integrity of the wall and address public safety concerns raised by the Town of Exeter.

On Permit to: Impact 7,790 square feet of forested wetlands for the construction of three (3) road crossings, impact 2,100 square feet of a perennial stream for the construction of a shared driveway crossing, temporarily impact 900 square feet of a forested wetland for a work area at the location where a retaining wall will be constructed outside of the wetlands, and temporarily impact 60 square feet of wetlands for the installation of utilities. Project impacts total 10,850 square feet of wetlands adjacent to the Town of Exeter's designated prime wetlands. Approve 138.92 acres of open space to be conveyed to the Town of Exeter for conservation purposes, 7.42 acres of open space to be conveyed to the Home Owner's Association for conservation purposes, and 2.13 acres of open space as a conservation restriction to be retained on house lots 1, 3, 5, and 7.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated September 3, 2002, with revisions dated December 1, 2003, as received by the Department on January 2, 2004 and plan sheets C1, C2, and C4 by Jones & Beach Engineers, Inc. dated September 3, 2002, with revisions dated December 30, 2003, as received by the Department on January 5, 2004.
- 1a. All work associated with approved amendment shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 1/7/05 and narrative by NH soil Consultants dated January 17, 2005, received together by the Department on January 21, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
5. This permit is contingent on the removal of two boardwalks that that were constructed without a valid wetlands permit, and exist through the designated prime wetlands on the property.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Wetlands Bureau staff at the project site or at the DES Office in Portsmouth, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

Prime Wetlands:

1. The 100-foot buffer around the designated prime wetlands shall be left in its natural state.
2. The boundaries of the wetland buffer shall be clearly marked prior to construction, and shall remain marked until construction is complete and the area is fully stabilized.
3. Boardwalks existing through the prime wetlands shall be removed by hand, and without the use of tracked equipment.
4. Photographs shall be submitted to the DES Wetlands Bureau documenting the removal of the two boardwalks, and the return of the prime wetland to its, undisturbed, natural state.

Conservation Open Space & Conservation Restriction Areas:

1. This permit is contingent upon 138.92 acres of open space to be conveyed to the Town of Exeter for conservation purposes, 7.42 acres of open space to be conveyed to the Home Owner's Association for conservation purposes, and 2.13 acres of open space to be put in place as a conservation restriction to be retained on house lots 1, 3, 5, and 7.
2. The 146.34 acres of open space and the 2.13 acres of conservation restriction areas shall be written to run with the land. Both existing and future property owners shall be subject to the conservation open space and conservation restriction areas.
3. Final plans noting the conservation open space and conservation restriction, and a copy of the final language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the final recorded plans and final recorded language shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation open space and conservation restriction areas. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the conservation areas.
5. The conservation areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the conservation monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the conservation areas. The placement of fill, construction of structures, and storage of vehicles or hazardous materials within the conservation areas is prohibited.
8. Activities in contravention of the conservation areas shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. All proposed impacts are needed to access buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. Contingent upon this approval, two boardwalks that were installed without a valid permit and within the limits of a designated prime wetland will be removed by hand.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. NH Natural Heritage Inventory (NHNHI) and the NH Fish and Game Department (NHF&G) have record of two vertebrate species of special concern within the project vicinity, the Blanding's Turtle (*Emydoidea blandingii*) and the Spotted Turtle (*Clemmys guttata*). NHNHI has record of one state endangered plant species, Small Bidens (*Bidens discoidea*), and record of one natural community of special concern in the project vicinity, SNE Acidic Level Fen.
7. DES Staff conducted a field inspection of the proposed project on December 19, 2003. Field inspection determined that the proposed impacts will not have any direct impacts on the NHNHI and NHF&G identified species or natural community of special concern, as the NHNHI and NHF&G identified items do not exist within the proposed impact areas.
8. DES conducted a public hearing for the proposed project on December 2, 2003. Public hearing determined that the project impacts will not significantly impair the resources of this designated prime wetland.

2004-02195 NH DEPT OF TRANSPORTATION
NEWINGTON Piscataqua River

Requested Action:

Reconstruct and improve the Spaulding Turnpike (exits 4 and 4N), Shattuck Way and Nimble Hill Rd. as an interim safety improvement project impacting 69,737 sq. ft. of the Tidal Buffer Zone and estuarine, palustrine, and riverine wetlands (11,339 sq. ft. temporary).

Conservation Commission/Staff Comments:

no comments received

Inspection Date: 10/07/2003 by Gino E Infascelli

Inspection Date: 08/05/2004 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct and improve the Spaulding Turnpike (exits 4 and 4N), Shattuck Way and Nimble Hill Rd. as an interim safety improvement project impacting 69,737 sq. ft. of the Tidal Buffer Zone and estuarine, palustrine, and riverine wetlands (11,339 sq. ft. temporary). NHDOT project #11238-C.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 5/12/04, 5/25/04 and 6/07/04, as received by the Department on September 10, 2004 and per amended sheet 4 of 10 and sheet X of 10 titled "clear-median", both dated 02/02/2005 and received on February 23, 2005.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

17. Mitigation for this project shall be provided in the future as part of the anticipated improvements for the NHDOT project #11238.
18. Closed drainage systems, installed as part of the project to collect stormwater runoff, will be designed to provide treatment prior to discharging into Little Bay.
19. Orange construction fencing shall be placed at the limits of clearing for impact areas III, JJJ and KKK (amendment #1 received 2/23/05) after the edge of wetlands have been clearly flagged and prior to construction to prevent accidental encroachment on wetlands.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(b and c), projects within 100 feet of the highest observable tide line and alteration of more than 20,000 sq. ft. of nontidal wetlands and surface waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 7, 2003 and August 5, 2004. Field inspections determined that this project:
 - a. Will benefit traffic flow and safety, as this is an interim safety improvement project;
 - b. The reconfiguration of the ramps, intersections, and driveways will improve traffic flow and sight distances providing safer traveling to the general public;
 - c. All water collected in the closed drainage system installed with this project will be treated prior to discharge to Little Bay;
 - d. A large portion of the impacted areas within the upland portion of the Tidal Buffer Zone are currently paved and/or previously disturbed.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem and mitigation will be provided in the future as part of NHDOT project #11238.

2004-03054 NH DEPT OF TRANSPORTATION
CHESTERFIELD Unnamed Wetland

Requested Action:

Slipline a 54 in. x 110 ft. culvert, replace a 36 in. x 65 ft. culvert with a 48 in. x 110 ft. culvert and fill to improve slopes and drainage impacting 2,390 sq. ft. of riverine and palustrine wetlands (600 sq. ft. temporary).

APPROVE PERMIT:

Slipline a 54 in. x 110 ft. culvert, replace a 36 in. x 65 ft. culvert with a 48 in. x 110 ft. culvert and fill to improve slopes and drainage impacting 2,390 sq. ft. of riverine and palustrine wetlands (600 sq. ft. temporary). NHDOT project #14208.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 12/1/04, as received by the Department on December 20, 2004.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

14. The impacts associated with the temporary work shall be restored immediately following construction.

15. The contractor shall attempt to sink the culvert invert into the streambed at station 289 to simulate natural conditions.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of channel or banks of a stream.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff finds that this project will not have a significant impact on these protected resources and therefore a public hearing is not required.

2005-00049 WEST ALTON MARINA
ALTON Lake Winnepesaukee

Requested Action:

Excavate 5605 sq ft, remove 132 linear ft of bulkhead and walkway, and construct 160 linear ft of retaining wall topped by a 2 ft wide walkway. Relocate three 2 ft x 20 ft finger piers and add three 2 ft x 20 ft finger piers. Install 6 pilings, one in front of each finger pier to support a 20 ft x 90 ft seasonal canopy not to exceed 14 ft in height over the dock surfaces and install one fender piling in front of the existing boat ramp near the gas dock to expand and modify an existing marina providing public access to Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Combined with file 2005-47 for one fender piling

APPROVE PERMIT:

Excavate 5605 sq ft, remove 132 linear ft of bulkhead and walkway, and construct 160 linear ft of retaining wall topped by a 2 ft wide walkway. Relocate three 2 ft x 20 ft finger piers and add three 2 ft x 20 ft finger piers. Install 6 pilings, one in front of each finger pier to support a 20 ft x 90 ft seasonal canopy not to exceed 14 ft in height over the dock surfaces and install one fender piling in front of the existing boat ramp near the gas dock to expand and modify an existing marina providing public access to Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with Piling plans by Spaulding Land Planning Associates dated November 30, 2004, as received by the Department on January 6, 2005 and marina slip modification plans by Spaulding Land Planning Associates as revised on March 18, 2005 and received by the Department on March 21, 2005.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not be effective until the DES Wetlands Bureau receives written confirmation from the Town of Alton that the proposed modifications and expansion will comply with all local land-use controls as required per Rule Wt 402.16, Commercial Use, Municipal Review.
4. Dredged or excavated material and all construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed 5 months during the non-boating season.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d), construction or modification to a major docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 7, 2005. Field inspection determined that plans need alteration.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
7. The Alton Conservation Commission questions the need for the expansion of the existing facility and whether the applicant has sufficient frontage to support the 6 additional proposed slips.
8. The Wetlands Bureaus finds that the excavation and reconfiguration of the bulkhead, walkway and existing piers would improve safety and navigation within the existing marina.
9. The request for the additional 6 boat slips is within the parameters of Rule Wt 402.17, Marinas - Design Standards, which allows more than the standard one slip per 25 ft of frontage shall be permitted if the facility is enclosed by the land of the applicant.
10. The excavation of the area proposed will not be contrary to the language and intent of the Comprehensive Shoreland Protection Act, RSA 483-B.

2005-00300

WARE, DONALD

NASHUA Pennichuck Brook

Requested Action:

Construct a new water pump station, spent backwash-water tank, 50-ton liquid carbon dioxide tank, detention basin and parking area; upgrade site lighting; and extend electrical and water lines from new aeration building to filtration plant; total area adjacent to Pennichuck Brook designated prime wetlands 5,500 square feet.

Conservation Commission/Staff Comments:

Conservation Commission does not object but requests that straw rather than hay be used as mulch.

Inspection Date: 01/11/2005 by Dori A Wiggin

APPROVE PERMIT:

Construct a new water pump station, spent backwash-water tank, 50-ton liquid carbon dioxide tank, detention basin and parking area; upgrade site lighting; and extend electrical and water lines from new aeration building to filtration plant; total area adjacent to Pennichuck Brook designated prime wetlands 5,500 square feet.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford, and Thorndike dated February 3, 2005, as received by the Department on February 14, 2005.
2. The 75 foot buffer around the designated prime wetlands shall be left in its natural state.
3. The deed for Tax Map 52, lot 118 shall include the conditions of this permit.
4. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
5. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
7. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. A prime wetlands public hearing was held on 3/18/05.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, specifically, to improve the ability of the existing water company, which serves Nashua and the surrounding communities, to provide water treatment which meets state and federal drinking water standards.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. With respect to the listed species, Blandings Turtle, reported in the project vicinity, NH Fish and Game Department review finds that the proposed work will be confined to previously upland developed areas of the water works, with a 75' buffer to Pennichuck Brook, and thus is not likely to impact the species.
6. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.
8. The approved plans and conditions of the permit provide for a 75 foot buffer around the Prime Wetland area.
9. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
10. Based on the inspection conducted on January 11, 2005 by DES personnel, the project involves minor environmental impacts.
11. Based on findings # 1-10 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 28 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion. If no request is received the permit then will be released to the applicant.

MINOR IMPACT PROJECT

2004-01649 CORDWELL, EUGENE/SARAH
MILAN Unnamed Wetland

Requested Action:

Dredge and fill a total of 17,249 sq. ft. of wet meadow and forested wetlands to install 4 road crossings, including 7,616 sq. ft. of existing agricultural field access road in wet meadow with installation of a 15" x 30' culvert; 3,701 sq. ft. of palustrine forested wetland with installation of a 15" x 30' culvert; 3,195 sq. ft. of palustrine forested wetland with installation of a 15" x 30' culvert; and 2,737 sq. ft. of impact with installation of a 15" x 30' culvert to cross an intermittent stream, to access a four lot subdivision on 72 acres.

A donation to the Town of Milan Conservation Commission from the applicant totaling \$3,000 will be provided as compensatory mitigation for the project.

Conservation Commission/Staff Comments:

Did not report.

Inspection Date: 11/18/2004 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 17,249 sq. ft. of wet meadow and forested wetlands to install 4 road crossings, including 7,616 sq. ft. of existing agricultural field access road in wet meadow with installation of a 15" x 30' culvert; 3,701 sq. ft. of palustrine forested wetland with installation of a 15" x 30' culvert; 3,195 sq. ft. of palustrine forested wetland with installation of a 15" x 30' culvert; and 2,737 sq. ft. of impact with installation of a 15" x 30' culvert to cross an intermittent stream, to access a four lot subdivision on 72 acres.

A donation to the Town of Milan Conservation Commission from the applicant totaling \$3,000 will be provided as compensatory mitigation for the project.

With Conditions:

1. All work shall be in accordance with plans by Carlisle Survey Consultants, PLLC dated November 26, 2004, as received by the Department on December 7, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Work shall be done during low flow.

Wetland mitigation:

1. This permit is contingent on the deposit of \$3,000 to the Town of Milan Conservation Commission as a form of compensatory mitigation for impacts to jurisdiction wetlands.
2. The deposit of \$3,000 shall be in accordance with written correspondence from the applicants, Eugene and Sarah Cordwell, dated 2/21/2005 as received by the Department on 2/28/2005.
4. Prior to the start of construction provide the DES Wetlands Bureau with a copy of the deposit slip documenting the transfer of

funds to the Town of Milan Conservation Commission.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The largest impact (7,616 sq. ft.) is existing agricultural access road which has run along the edge of a field for years and which delineates as wet meadow. The other three crossings make use of existing road or otherwise cross at narrowest locations.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project and conservation area on 11/18/04. Field inspection determined that this proposed project complies with administrative rules as an approvable project, and that the largest impact area is an existing farm field road, rather than an previously undisturbed wetland.
6. With respect to mitigation, the applicant attempted, without success, to find a willing easement holder for a conservation easement on the property. For this reason, and with consideration of the nature of the wetlands to be impacted as stated in findings 3 and 5, DES had determined that the donation to the Milan Conservation Commission represents reasonable mitigation for this project.

2004-02699 DENEALT TTEE, BARBARA
MILFORD Unnamed Stream

Requested Action:

Dredge and fill 1,100 sq. ft. (approximately 90 linear ft.) of a perennial stream to replace existing undersized culverts with twin 36" x 25' culverts, install headwalls and inlet and outlet rip rap protection for an existing driveway crossing servicing one existing house.

Conservation Commission/Staff Comments:

Intervened; recommended approval of the application.

APPROVE PERMIT:

Dredge and fill 1,100 sq. ft. (approximately 90 linear ft.) of a perennial stream to replace existing undersized culverts with twin 36" x 25' culverts, install headwalls and inlet and outlet rip rap protection for an existing driveway crossing servicing one existing house.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated February 2005, as received by the Department on February 18, 2005.
2. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
3. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
4. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that disturb less than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The Town of Milford has provided supporting statements that the undersized culverts are re-routing flood level flows causing Wallingford road to wash out, creating a public safety hazard, and that the new culverts are sized to adequately convey stream flows under normal conditions and several storm events.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Administrative rule Wt 304.04 relative to location of project at least 20' from abutting property line is waived based on the findings that a) the applicant has attempted several times to contact the abutter Paradis with no success; b) the abutter is serviced by the driveway crossing to be repaired and upgraded; and c) the culvert replacement is necessary to protect the integrity and safety of a public road.
6. The culvert sizing proposed reflects the passage of the full flow of the stream into downstream wetlands, whereas the current undersized culverts impound and mis-direct higher stream flow events away from the normal path into a ditch and ultimately Wallingford Road. The downstream abutter who raised concerns to the Conservation Commission about increased flooding following installation of the new culverts, will only receive the stream flow that would exist into the wetlands on his property without the impediment of the undersized culverts.

2004-03078 ANDOVER, TOWN OF
ANDOVER Sucker Brook

Requested Action:

Dredge and fill a total of 1772 square feet along 105 linear feet of Sucker Brook for bridge replacement further described as follows: Permanently impact 1000 square feet of bank for abutments and supporting rip-rap and temporarily impact 772 square feet of channel for stream diversion during construction.

Conservation Commission/Staff Comments:

The Andover Conservation Commission has no objection to the proposed project.

APPROVE PERMIT:

Dredge and fill a total of 1772 square feet along 105 linear feet of Sucker Brook for bridge replacement further described as follows: Permanently impact 1000 square feet of bank for abutments and supporting rip-rap and temporarily impact 772 square feet of channel for stream diversion during construction.

With Conditions:

1. All work shall be in accordance with plans by HTA Consulting Engineers dated December 2004, and received by the Department on December 27, 2004.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Work shall be done during annual low flow conditions.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation for construction access.
6. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain

until the area is stabilized. Silt fencing must be removed once the area is stabilized.

7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
14. There shall be no excavation or operation of construction equipment in flowing water unless specifically authorized pursuant to Condition #2.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of jurisdiction during construction.
18. Temporary water diversion measures shall be entirely removed immediately following construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by netting and pinning on slopes steeper than 3:1.
20. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
21. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration area during the early stages of vegetative establishment.
22. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. Project activities are necessary as the NH Department of Transportation has documented deterioration of the existing bridge.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The new bridge structure was sized to enlarge existing hydraulic opening. The project will therefore not change the tendency for flooding of Sucker Brook.
5. The proposed bridge is an additional 6 feet wider than the existing bridge to better mimic the geometry of the natural channel.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
8. Proposed project activities will improve public safety.
9. The applicant has adequately addressed the requirements for application evaluation identified in Rule Wt 302.04(a).
10. The Andover Conservation Commission has no objections to the proposed project.

2005-00124 CLAREMONT, CITY OF
CLAREMONT Quabbinnight River

Requested Action:

Replace existing 72 inch culvert with a 12 foot open bottom box culvert on Quabbinnight Brook, Claremont

Conservation Commission/Staff Comments:

No comments submitted from the conservation commission

APPROVE PERMIT:

Replace existing 72 inch culvert with a 12 foot open bottom box culvert on Quabbinnight Brook, Claremont

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated March 2, 2005, as received by the Department on March 21, 2005.
2. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project will upgrade existing culvert crossing and is therefore a minor impact project per Administrative Rule Wt 303.03(c), construction of a permanent structure in a stream that do not meet the criteria of Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will provide a long term benefit through the establishment of an open bottom channel.

MINIMUM IMPACT PROJECT

2004-02663 DURHAM, TOWN OF DURHAM Mill Pond Impoundment

Requested Action:

Maintenance dredge 89,222 sq. ft. (2.04 acres) totaling 11,030 cu. yds. of accumulated sediments, debris and vegetation to restore historic depths, maintain open water habitat and provide enhanced water quality as well as visual and aesthetic aspects to the Durham Mill Pond freshwater impoundment.

Conservation Commission/Staff Comments:

The Durham Conservation Commission endorses the implementation of this project.

APPROVE PERMIT:

Maintenance dredge 89,222 sq. ft. (2.04 acres) totaling 11,030 cu. yds. of accumulated sediments, debris and vegetation to restore historic depths, maintain open water habitat and provide enhanced water quality as well as visual and aesthetic aspects to the Durham Mill Pond freshwater impoundment.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated 9/01/2004, as received by the Department on November 01, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k): Maintenance dredge 89,222 sq. ft. (2.04 acres) totaling 11,030 cu. yds. of accumulated sediments, debris and vegetation to restore historic depths, maintain open water habitat and provide enhanced water quality as well as visual and aesthetic aspects to the Durham Mill Pond freshwater impoundment.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00044 ROCHESTER, CITY OF ROCHESTER Storm Drain Outfalls

Requested Action:

Impact approximately 300 square feet of bank on the Salmon Falls River and 150 square feet within an unnamed stream channel associated with stormwater drainage and sanitary sewer improvements in East Rochester

Conservation Commission/Staff Comments:

Conservation commission submitted comments pertaining to existing site conditions.

APPROVE PERMIT:

Impact approximately 300 square feet of bank on the Salmon Falls River and 150 square feet within an unnamed stream channel associated with stormwater drainage and sanitary sewer improvements in East Rochester

With Conditions:

1. All work shall be in accordance with plans by Weston & Sampson Engineering, Inc.; the Green Street Road Sta. 11+00 to 15+00 Plan (Sheet C-6), Portland Street Road Sta. 42+00 to 53+00 Plan (Sheet C-3), Cocheco Avenue and Unity Street Plan (Sheet C-15) as received by the Department on March 14, 2005 and the Miscellaneous Outfall Detail Plans as received by the Department on January 4, 2005.
2. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2005-00044 prior to construction.
3. This permit is contingent on review by the DES Wetlands Bureau of final construction access and erosion control plans. Those plans shall show temporary siltation, erosion and turbidity control measures to be implemented.
4. This permit is contingent upon submittal to DES Wetlands Bureau of a signed Shoreland Protection Certification (Copy enclosed).
5. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
7. Work shall be conducted during low flow conditions.
8. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Rule Wt 303.03(f), as the project involves alteration of less than 3,000 square feet of forested and scrub-shrub wetlands.
2. The stone outlet protection is necessary to dissipate the velocity of stormwater discharge and prevent scour and erosion.
3. The project is being conducted as part of utility and roadway improvements that will upgrade drainage and sewer facilities in East Rochester to protect area wetlands and surface waters, which are tributaries to the Salmon Falls River, from untreated stormwater and septic system pollution.
4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2005-00111 RIVARD, RONALD
WEARE Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,025 sq. ft. of wetland for reconstruction of a driveway to an existing single family dwelling.

Conservation Commission/Staff Comments:

Conservation Commission signed expedited application.

APPROVE PERMIT:

Dredge and fill a total of 1,025 sq. ft. of wetland for reconstruction of a driveway to an existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated 1/23/2004, as received by the Department on 1/14/2005.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, specifically, that the driveway as originally installed has proven to be unsafe due to its steepness (27% slope) in accessing River Rd., and needs to be reconstructed to correct this problem.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-00113 AJM REALTY INC
CLAREMONT Unnamed Wetland**

Requested Action:

Retain 378 square feet of impacts associated with an approved agricultural crossing to provide access to a 9-Lot subdivision known as Windy Hill Estates

Conservation Commission/Staff Comments:

The conservation commission did not sign the expedited application.

Project proposes conversion of forestry/agricultural culvert crossing to a residential subdivision road.

Conservation commission submitted a letter of approval on February 23, 2005.

APPROVE PERMIT:

Retain 378 square feet of impacts associated with an approved agricultural crossing to provide access to a 9-Lot subdivision known as Windy Hill Estates

With Conditions:

1. All work shall be in accordance with subdivision plans by ALW Surveys, and road profile plans by Leon H. Geil, Consulting Engineer, dated January 3, 2005, as received by the Department on March 4, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this

approval.

5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project converts impacts associated with agricultural wetlands permit #2003-00884 to be retained for a subdivision.

FORESTRY NOTIFICATION

2005-00504 LANDRY JR, JAMES
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington Tax Map 5, Lot# 18 & 18E

2005-00508 NH DRED
LITCHFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Litchfield Tax Map 16, Lot# 43

2005-00523 MORGARDO, ISABELA
HAMPTON FALLS Unnamed Wetland

COMPLETE NOTIFICATION:
Hampton Falls Tax Map 5, Lot# 8

EXPEDITED MINIMUM

2004-02713 STREETER, DAVID
CHARLESTOWN Unnamed Stream

Requested Action:

Fill 150 square feet in a seasonal stream associated with culvert installation to provide access for forestry practices along the Connecticut River, Charlestown

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application.

Applicant signed the Shoreland Protecting Certification form.

NHI has documented the potential existence for an exemplary natural community in the vicinity of the project.

Conn. River LAC did not submit comments.

APPROVE PERMIT:

Fill 150 square feet in a seasonal stream associated with culvert installation to provide access for forestry practices along the Connecticut River, Charlestown

With Conditions:

1. All work shall be in accordance with plans by Ramsey, McLaren revised December 29, 2004, as received by the Department on March 11, 2005.
2. You follow the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" published by the NH Dept. of Resources & Economic Development (also available on the Internet at: http://www.nhdf.org/info_plan_bureau/fi&p_waterqualitybmeps.htm); and
3. Work shall be done during low or non flow conditions.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
11. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(g), installation of a culvert and associated fill to provide access for forestry practices.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant signed and submitted the Shoreland Protection Certificate.
6. The forest inventory demonstrates no presence of an exemplary community.

2004-02765 FAIR DEAL ENTERPRISES, INC
HOOKSETT Unnamed Wetland

Requested Action:

Dredge and fill 518 sq. ft. of wetlands to install a 15" x 64' culvert for access to a commercial development.

Conservation Commission/Staff Comments:

Conservation Commission signed expedited application.

APPROVE PERMIT:

Dredge and fill 518 sq. ft. of wetlands to install a 15" x 64' culvert for access to a commercial development.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering Inc. dated 2/04/2005, as received by the Department on 2/04/2005.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of impact to swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02785 SAWMILL MARINA REALTY TRUST
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair and maintain the existing piling supporting 52 slip marina, consisting of an 84 foot long pier with six 15 foot long finger piers, a 185 foot long pier with fourteen finger piers (of varying lengths), a 5 foot by 56 foot pier, a 4 foot by 35 foot pier, and a 4 foot by 25 foot pier, on 218 feet of shoreline frontage in Back Bay, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com signed exp application

APPROVE PERMIT:

Repair and maintain the existing piling supporting 52 slip marina, consisting of an 84 foot long pier with six 15 foot long finger

piers, a 185 foot long pier with fourteen finger piers (of varying lengths), a 5 foot by 56 foot pier, a 4 foot by 35 foot pier, and a 4 foot by 25 foot pier, on 218 feet of shoreline frontage in Back Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Company, as revised on 02/24/200, and received by the Wetlands Bureau on December 2, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit does not allow for maintenance dredging.
4. Repairs to docking structures may be conducted, as necessary, throughout the duration of this permit if the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls must be in place prior to construction, maintained during construction, and remain in place until the area is stabilized.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

This project is classified as a Minimum Impact Project per Rule Wt 303.04(v).

2004-02888 RIEL, LEON
SALISBURY Unnamed Wetland

Requested Action:

Impact a total of 1,459 square feet of forested wetland to install a 18-inch by 28 foot culvert and a 15-inch by 27.5 foot culvert to upgrade Bog Road and remain a Class VI road for safe passage.

Conservation Commission/Staff Comments:

The Salisbury Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 1,459 square feet of forested wetland to install a 18-inch by 28 foot culvert and a 15-inch by 27.5 foot culvert to upgrade Bog Road and remain a Class VI road for safe passage.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated October 5, 2004 and revised January 21, 2005, as received by the Department on January 28, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03015 JCK TRUST, JOHN & JACQUELINE KUDZMAN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct a 6 ft by 40 ft seasonal dock attached to a 6 ft by 4 concrete pad, construct a 16 ft by 30 ft perched beach on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application,
NHI hit, F & G has no comments

APPROVE PERMIT:

Construct a 6 ft by 40 ft seasonal dock attached to a 6 ft by 4 concrete pad, construct a 16 ft by 30 ft perched beach on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design dated December 3, 2004, revision date February 19, 2005, as received by the Department on March 17, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. The concrete pad shall be located entirely landward of the natural undisturbed shoreline.
9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
11. The steps installed for access to the water shall be located over the bank.
12. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.

2005-00212

HUMPHREY, JEANNETTE

SANDOWN Unnamed Wetland

Requested Action:

Fill 750 square feet of forested wetland to install an 18-inch by 60-foot culvert for the construction of a roadway and cul-de-sac accessing a 6-lot subdivision of 15.07 acres.

Conservation Commission/Staff Comments:

The Sandown Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill 750 square feet of forested wetland to install an 18-inch by 60-foot culvert for the construction of a roadway and cul-de-sac accessing a 6-lot subdivision of 15.07 acres.

With Conditions:

1. All work shall be in accordance with the Subdivision Plan (Sheet 5 of 8) by James M. Lavelle Associates dated November 12, 2004 and revised January 24, 2005, as received by the Department on March 7, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00259

MAY, ROBERT

MEREDITH Lake Winnepesaukee

Requested Action:

Modify the existing 6 ft by 2 ft concrete pad to a 6 ft by 4 ft concrete pad and construct a 6 ft by 40 ft seasonal dock attached to the pad, on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Modify the existing 6 ft by 2 ft concrete pad to a 6 ft by 4 ft concrete pad and construct a 6 ft by 40 ft seasonal dock attached to the pad, on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine dated December 30, 2004, revision date March 11, 2005, as received by the Department on March 15, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pad shall be located completely landward of full lake elevation of 504.32.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.

2005-00314 ALLARD, JOHN
CHESTERFIELD Unnamed Stream

Requested Action:

Restore 150 square feet from permanent removal of a 24" x 40' culvert and impact 905 square feet to extend an existing 12" culvert for access

Conservation Commission/Staff Comments:

The conservation commission signed the expedited application, though noted previous complaint filed with DES for cutting and clearing on the subject lot in early 2004.

APPROVE PERMIT:

Restore 150 square feet from permanent removal of a 24" x 40' culvert and impact 905 square feet to extend an existing 12" culvert for access

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated March 3, 2005, as received by the Department on March 9, 2005.
2. Work shall be done during low or non flow.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area associated with culvert removal shall be regraded to original contours following completion of work.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.

6. No fill shall be done for lot development.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00330 CAIA, ROBERT & DOIREAN SARGENT
SUNAPEE Lake Sunapee

Requested Action:

Replace/repair 10 ft x 16 ft crib supporting a 12 ft x 16 ft platform extending from a 5 ft x 40 ft 4 in pier supported by a 5 ft x 6 ft crib with one 18 in x 12 ft finger pier accessed by a 44 in walkway in an "F-shaped" configuration on 205 ft of frontage on Lake Sunapee.

Conservation Commission/Staff Comments:

Original application misplaced. Con com did sign original therefore 30 day expedited review applies

APPROVE PERMIT:

Replace/repair 10 ft x 16 ft crib supporting a 12 ft x 16 ft platform extending from a 5 ft x 40 ft 4 in pier supported by a 5 ft x 6 ft crib with one 18 in x 12 ft finger pier and a 44 in walkway in an "F-shaped" configuration on 205 ft of frontage on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Central Lakes Dock Company Inc. dated February 9, 2005 as received by the Department on March 23, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. Existing rocks contained within the cribs shall be used for the replacement/repair. No more rock fill shall be allowed for crib replacement.
5. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
6. Where appropriate, turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

10. This permit does not allow for maintenance dredging.

11. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.

12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(V), Maintenance, repair, and replacement in-kind of existing docking structures.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2005-00539 MATHESON, FREDERICK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2005-00540 LARSON, BERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2005-00436 CROCCO, GERARD
EAST WAKEFIELD

COMPLETE NOTIFICATION:
East Wakefield Tax Map 70, Lot# 106 Belleau Lake

2005-00528 RECESSO, JOHN
RUMNEY Stinson Lake

COMPLETE NOTIFICATION:

Rumney Tax Map 2, Lot# 15 Stinson Lake

2005-00541 SOWARDS, DON & DOROTHY
CENTER BARNSTEAD Suncook Lake

COMPLETE NOTIFICATION:

Ctr Barnstead Tax map 10, Lot# 25 Suncook Lake

SHORELAND VARIANCE / WAIV

2004-03041 MCELROY, JOHN AND CAROL
SALEM Millville Pond

Requested Action:

Increase the footprint of an existing primary structure from 550 sq ft to 960 sq ft within the primary building setback and increase the ridgeline height 20 ft from 13 ft to 33 ft.

Inspection Date: 01/03/2005 by Chris T Brison

APPROVE CSPA WAIVER:

Increase the footprint of an existing primary structure from 550 sq ft to 960 sq ft within the primary building setback and increase the ridgeline height 20 ft from 13 ft to 33 ft.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on December 20, 2004 and documentation received March 4, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. No expansion of the primary structure shall occur until the new septic system is completed.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Millville Pond and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to improve the wastewater treatment on site by replacing the existing septic system with a new and improved septic system and increasing the setback of the system from the reference line from 18 ft to 75 ft, and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

PERMIT BY NOTIFICATION

2005-00053 BORELLI, PHILLIP
TUFTONBORO Unnamed Wetland

Requested Action:

Fill a total of 1,200 square feet of forested wetland for the installation of three (3) culvert crossings which includes a 12-inch by 25-foot culvert (impacting 650 square feet), a 15-inch by 30-foot culvert (impacting 340 square feet), and a 12-inch by 32-foot culvert (impacting 210 square feet) to access a single family residential lot on 4.2 acres.

Conservation Commission/Staff Comments:

the Tuftonboro Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill a total of 1,200 square feet of forested wetland for the installation of three (3) culvert crossings which includes a 12-inch by 25-foot culvert (impacting 650 square feet), a 15-inch by 30-foot culvert (impacting 340 square feet), and a 12-inch by 32-foot culvert (impacting 210 square feet) to access a single family residential lot on 4.2 acres.

2005-00424 HARE TRUST 1984, J. PETER & DORTHY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

In-kind replacement to the top course of existing rotten cribwork beneath a 12-foot by 58-foot permanent pier on Lake Winnepesaukee with an average Shoreline of 230 feet.

Conservation Commission/Staff Comments:

The Moultonborough Conservation Commission signed the PBN.

PBN IS COMPLETE:

In-kind replacement to the top course of existing rotten cribwork beneath a 12-foot by 58-foot permanent pier on Lake Winnepesaukee with an average Shoreline of 230 feet.

2005-00438 DEROSIERS, THOMAS
GILFORD Lake Winnepesaukee

Requested Action:

In-kind repairs to the existing breakwater and docking structures on Lake Winnepesaukee with an average shoreline of 160 feet.

Conservation Commission/Staff Comments:

The Gilford Conservation Commission signed the PBN.

PBN IS COMPLETE:

In-kind repairs to the existing breakwater and docking structures on Lake Winnepesaukee with an average shoreline of 160 feet.

2005-00440 GREENWOOD-YOUNG, CINDY
BOW Unnamed Wetland

Requested Action:

Fill 395 square feet of forested wetland to install an 18-inch by 26-foot culvert for access to a single family residential lot on 5.28 acres.

Conservation Commission/Staff Comments:

The Bow Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill 395 square feet of forested wetland to install an 18-inch by 26-foot culvert for access to a single family residential lot on 5.28 acres.

2005-00463 KALVELAGE, STEVEN
DURHAM Little Bay

Requested Action:

In-kind replacement of four(4) existing pilings as part of a permanent dock on Little Bay with an average shoreline of 190 feet.

Conservation Commission/Staff Comments:

The Durham Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

In-kind replacement of four(4) existing pilings as part of a permanent dock on Little Bay with an average shoreline of 190 feet.

2005-00495 FLINT ROCK CORP
HOLLIS Unnamed Wetland

Requested Action:

Fill 1,428 square feet of forested wetland to install an 24-inch by 30-foot culvert for access to a single family residential lot on 8.025 acres.

Conservation Commission/Staff Comments:

The Hollis Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill 1,428 square feet of forested wetland to install an 24-inch by 30-foot culvert for access to a single family residential lot on

8.025 acres.